



PATENT

JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

CHARLES JOSEPH NOELKE ET AL.

CASE NO.: FL0264 US NA

APPLICATION NO.: 10/738,491

GROUP ART UNIT: 1621

FILED: DECEMBER 17, 2003

EXAMINER: ELVIS O. PRICE

FOR: PYROLYSIS PROCESS

AMENDMENT A

In response to the Office Action dated July 22, 2004, the period for response having been extended by three months by a Petition for an Extension of Time, filed concurrently herewith, please amend the application as follows.

REMARKS

In the Office Action mailed July 22, 2004, claims 2, 3 and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner contends that the term "includes" is a relative term which renders the claim indefinite. This rejection is respectfully traversed, as the term "includes" is a completely acceptable term. As noted in MPEP §2111.03, the transitional phrases "comprising", "consisting essentially of" and "consisting of" define the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim. The transitional term "comprising", which is synonymous with "including", "containing" or "characterized by", is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. If it would help to change the word "including" to "comprising", Applicant would be willing to do so, as long as Applicant does not have to exclude additional unrecited elements.

Furthermore, the Examiner alleges that the term "includes" is not defined by the claim. It is unclear what the Examiner